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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

PANTHERA RAIL CAR LLC,

Plaintiff,

vs.

KASGRO RAIL CORPORATION, a Pennsylvania corporation, KASGRO LEASING, LLC, KR LOGISTICS, LLC, and KASGRO RAIL CAR MANAGEMENT,

Defendants.

Case No.: CV 12-06458 SI

STIPULATION AND [PROPOSED] ORDER TO CONTINUE APRIL 19, 2013, HEARING ON DEFENDANTS' MOTIONS TO DISMISS OR TRANSFER ACTION AND TO CONTINUE MAY 2, 2013, INITIAL CASE MANAGEMENT CONFERENCE

Complaint Filed: December 20, 2012

STIPULATION

WHEREAS the Amended Complaint in this action, entitled *Panthera Rail Car LLC v. Kasgro Rail Corporation, et al.* (N.D. Cal. Civil Case No. CV 12-06458 SI), was filed on February 15, 2013;

WHEREAS all Defendants filed motions to dismiss or transfer this action and the Court recently set those motions for hearing on April 19, 2013;

WHEREAS the subject motions are fully briefed and pending;

WHEREAS Deborah Thaxter, counsel for Plaintiff Panthera Rail Car LLC, will be on a prescheduled vacation and unavailable on April 19, 2013;

WHEREAS the parties, having met and conferred regarding their availability for a rescheduled hearing on the Court's regular motion calendar, have been unable to find a mutually agreeable date in May on which the Court is also available;

WHEREAS the parties are available for a hearing on May 13, 2013, or May 14, 2013, in the alternative, seek the Court's leave to have the motions to dismiss or transfer heard on one of these days, and have been informed by the Court that the hearing can be set for May 14, 2013 at 4:00 p.m.;

WHEREAS the Initial Case Management Conference (“CMC”) in this action is presently set for May 2, 2013 at 2:30 p.m. in Courtroom 10;

WHEREAS the parties desire to have Defendants' motions to dismiss or transfer heard and decided prior to the Initial CMC in this action; and

WHEREAS the parties, having met and conferred regarding their availability for an Initial CMC in June, have agreed to a brief continuance of the Initial CMC until June 28, 2013;

THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff Panthera Rail Car LLC, on the one hand, and Defendants Kasgro Rail Corporation, Kasgro Leasing, LLC, KR Logistics, LLC, and Kasgro Rail Car Management, on the other hand, as follows:

1. The parties seek the Court's leave to have the hearing on Defendants' pending motions to dismiss or transfer filed in the above captioned matter continued until May 14, 2013, at 4:00 p.m. in Courtroom 10, or such other time on May 14, 2013, as is convenient to the Court.

2. The Initial CMC in the above-captioned matter shall be continued until June 28, 2013, at 2:30 p.m. in Courtroom 10.

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5 **IT IS SO STIPULATED.**
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Dated: April 9, 2013

NIXON PEABODY LLP

By: /s/ Marcie Keenan Farano
MARCIE KEENAN FARANO
Attorneys for Plaintiff Panthera Railcar LLC

Dated: April 9, 2013

QUARLES & BRADY LLP

By: /s/ John C. Schaak
STEVEN J. BERRYMAN
JOHN C. SCHAAK
JAMES E. GOLDSCHMIDT
Attorneys for Defendants Kasgro Rail
Corporation, Kasgro Leasing, LLC, and Kasgro
Rail Car Management

Dated: April 9, 2013

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: /s/ Steven B. Sacks
STEVEN B. SACKS
Attorneys for Defendants Kasgro Rail
Corporation, Kasgro Leasing, LLC, and Kasgro
Rail Car Management

Dated: April 9, 2013

STEYER LOWENTHAL BOODROOKAS ALVAREZ
& SMITH LLP

By: /s/ Jeffrey H. Lowenthal
JEFFREY H. LOWENTHAL
GABRIEL D. ZELDIN
Attorneys for Defendant KR Logistics, LLC

1 Dated: April 9, 2013

ROSE & deJONG S.C.

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3 By: /s/ Lora L. LoCoco
4 DOUGLAS W. ROSE
5 LORA L. LOCOCO
6 Attorneys for Defendants KR Logistics, LLC

7 **ATTESTATION CLAUSE**

8 Pursuant to Northern District of California Local Rule 5-1(i)(3), I hereby attest that I have
9 obtained from each of the other signatories to this document—indicated above by a “conformed” (/s/)
10 signature—their concurrence to the e-filing of this document in its present form, which shall serve in
11 lieu of their respective signatures on this document.

12 Dated: April 9, 2013

13 NIXON PEABODY LLP

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15 By: /s/ Marcie Keenan Farano
16 MARCIE KEENAN FARANO
17 Attorneys for Plaintiff Panthera Railcar LLC

[PROPOSED] ORDER

Pursuant to the Stipulation of the parties as set forth above, and for good cause showing, the Court orders as follows:

1. The hearing on the pending motions to dismiss or transfer filed by all defendants in the above-captioned matter shall be continued until May 14, 2013, at 4:00 p.m. in Courtroom 10.

2. The Initial CMC in the above-captioned matter shall be continued until June 28, 2013, at 2:30 p.m. in Courtroom 10.

IT IS SO ORDERED.

Dated: April 15 2013

Susan Illston

HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE